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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 TAMMY GUTIERREZ, individually and on
20 behalf of all others similarly situated,

21 Plaintiff,

22 v.

23 SAMSUNG ELECTRONICS AMERICA,
24 INC., a corporation,

25 Defendant.

CASE NO.: 3:22-cv-05719-SK

**STIPULATION AND ORDER TO STAY
PROCEEDINGS PENDING JUDICIAL
PANEL ON MULTIDISTRICT
LITIGATION'S DECISION ON MOTION
FOR TRANSFER AND CONSOLIDATION
UNDER 28 U.S.C. § 1407**

Complaint Filed: October 4, 2022

3:22-cv-05719-SK

1 Plaintiff Tammy Gutierrez (“Plaintiff”) and Defendant Samsung Electronics America, Inc.
2 (“Samsung”) stipulate and agree as follows:

3 WHEREAS, on October 4, 2022, Plaintiff filed her Class Action Complaint (the
4 “Complaint”) in the above-entitled action.

5 WHEREAS, on October 11, 2022, Plaintiff served the original summons and Complaint on
6 Samsung Electronics America, Inc. (“Samsung”).

7 WHEREAS, on October 7, 2022, Plaintiffs in a related action currently pending in this
8 District, styled *Seirafi, et al. v. Samsung Electronics America, Inc.*, No. 3:22-cv-5176, filed a Motion
9 for Transfer of Actions to the Northern District of California Pursuant to 28 U.S.C. § 1407 for
10 Coordinated or Consolidated Pretrial Proceedings before the United States Judicial Panel on Multi-
11 District Litigation (the “MDL Petition”), specifically listing this action for inclusion in any
12 centralization order issued by the Panel. *In re: Samsung Customer Data Security Breach Litigation*,
13 JPML Case No. 3055, ECF No. 1. Accordingly, the Panel’s decision on the MDL Petition may
14 directly impact this case and whether it proceeds in this Court.

15 WHEREAS, in light of the possibility that this action might not proceed in this Court, the
16 parties agree that a stay of these proceedings during the pendency of the MDL Petition would save
17 judicial and party resources.

18 WHEREAS, courts routinely stay proceedings pending a determination of a motion to
19 transfer and consolidate pursuant to 28 U.S.C. § 1407. *See, e.g., Jones v. Bristol-Myers Squibb Co.*,
20 2013 WL 3388659, at *2 (N.D. Cal. July 8, 2013) (consistent with majority of courts, “courts in this
21 district ... have granted motions to stay in order to preserve judicial resources” pending MDL
22 resolution).

23 ///

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25 ///

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through their respective counsel, that this action be stayed pending the Panel's determination on the MDL Petition. Should the Panel deny centralization of the actions that are the subject of the MDL Petition (including this one), the parties will confer and jointly submit a proposed order lifting the stay for the Court's review and approval, which will include a deadline for Samsung's response to the Complaint.

IT IS SO STIPULATED.

Dated: October 26, 2022

HUNTON ANDREWS KURTH LLP

By: /s/ Jason J. Kim
Jason J. Kim
Attorney for Defendant
SAMSUNG ELECTRONICS AMERICA,
INC.

Dated: October 26, 2022

BRADLEY/GROMBACHER, LLP

By: /s/ Kiley L. Grombacher
Kiley L. Grombacher
Attorney for Plaintiff
TAMMY GUTIERREZ

ATTESTATION

I, Jason J. Kim, am the ECF user whose ID and password are being used to file this document. In compliance with Local Rule 5-1(i)(3), I attest that concurrence in the filing of the document has been obtained from each of the other Signatories.


Dated: October 26, 2022

/s/ Jason J. Kim
Jason J. Kim

Pursuant to the parties' stipulation, the Court HEREBY STAYS this action pending the Panel's determination on the MDL Petition.

IT IS SO ORDERED.

Dated: October 27, 2022



Sallie Kim
United States Magistrate Judge

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